

Andrea Campbell Davison (VSB No. 78036)  
BEAN, KINNEY & KORMAN, P.C.  
2311 Wilson Blvd, Suite 500  
Arlington, Virginia 22201  
(703) 525-4000

*Counsel for Heather Kiriakou*

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

**In re:**

**JOHN KIRIAKOU,**

**Debtor.**

**Case No. 20-10934-KHK**

**Chapter 7**

**MOTION FOR RULE 9011 SANCTIONS AGAINST DEBTOR**

Heather Kiriakou (“Movant” or “Ms. Kiriakou”), by counsel, files this Motion seeking sanctions against Debtor John Kiriakou (the “Debtor”) and his counsel, as appropriate. In support, Movant states as follows:

**BACKGROUND**

**A. The Parties**

1. Ms. Kiriakou is the Debtor’s former spouse and the sole legal and physical custodial parent to three (3) minor children (the “Children”) born of her marriage to the Debtor.

2. Ms. Kiriakou and Debtor were divorced by Final Order of Divorce entered November 2, 2018 (the “Divorce Order”) by the Arlington County Circuit Court (the “Circuit

Court”). The Divorce Order affirmed, ratified and incorporated a Marital Settlement Agreement dated August 29, 2018 between Ms. Kiriakou and Debtor (the “Marital Settlement Agreement”).

3. Pursuant to the Marital Settlement Agreement, Ms. Kiriakou and the Debtor are to share the costs of all mutually agreed extracurricular, tutoring and/or specialized instruction and all reasonable and necessary unreimbursed medical, dental, orthodontic and hospital expenses for the Children in accordance with their incomes. Ms. Kiriakou, being the custodial parent, currently advances all such expenses and the Debtor is to reimburse Ms. Kiriakou for thirty-five percent (35%) of the total (the Debtor’s percent responsibility of such expenses being the “Support Claim”, such Support Claim generally accruing monthly and being ongoing in nature).

4. Following the entry of the Divorce Order, the Debtor took certain civil and criminal actions which prompted Ms. Kiriakou to seek permanent family abuse protective order against the Debtor from the Arlington Juvenile and Domestic Relations District Court (the “JDR Court”).

5. After an evidentiary hearing, the JDR Court granted Ms. Kiriakou’s request for a permanent protective order (the “Protective Order”). The Debtor appealed the grant of the Protective Order to the Circuit Court which, after an evidentiary hearing, upheld a two year permanent Protective Order in favor of Ms. Kiriakou. Citing the Debtor’s previous admissions, and his failure to contest most of Ms. Kiriakou’s allegations or assertions of legal authority leading to the grant of the Protective Order, Ms. Kiriakou moved the Circuit Court for an award of attorney’s fees in connection with the appeal. On January 31, 2020, the Circuit Court granted Ms. Kiriakou’s motion for attorney’s fees and ordered that the Debtor pay Ms. Kiriakou’s fees, through counsel, in the amount of \$6,525.00 (the “Protective Order Claim”) within thirty (30) days of entry of the order.

6. On or about July 18, 2019, Ms. Kiriakou filed with the Circuit Court a Motion to Modify Legal and Physical Custody of the Children (the “Custody Motion”). By the Custody Motion, Ms. Kiriakou sought sole legal and physical custody of the Children due to, *inter alia*, the Debtor’s “menacing, denigrating and threatening behavior” towards Ms. Kiriakou and the Children, asserting that it was in the best interest of the Children that they not be in the Debtor’s care.

7. After a two-day evidentiary hearing on Ms. Kiriakou’s Custody Motion and related Petition to Show Cause, on January 29, 2020, the Circuit Court entered a Final Order on Ms. Kiriakou’s Motion to Modify Custody and Motion to Show Cause, such order being incorporated into a written order entered February 12, 2020 (the “Custody Order”). The Custody Order, *inter alia*, granted Ms. Kiriakou sole legal and physical custody of the Children and ordered the Debtor to pay, through counsel, Ms. Kiriakou’s legal fees incurred in the matter in the amount of \$130,425.35 (the “Custody Claim”). The Custody Claim was to be paid within ninety (90) days of January 29, 2020.

8. The Marital Settlement Agreement<sup>1</sup> provides that “[i]n the event of any further legal action to enforce the terms of this Agreement or in the event of any subsequent child support or child custody proceeding” that the Court may award reasonable suit costs, fees and legal costs. *See* Marital Settlement Agreement, ¶29.

B. The Bankruptcy Case

9. On March 27, 2020, the Debtor filed a voluntary petition initiating the above-captioned chapter 7 bankruptcy case (the “Petition”). *See* Docket No. 1. The Petition was signed electronically by the Debtor and his attorney, Ashvin Pandurangi (“Debtor’s Counsel”).

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<sup>1</sup> The Marital Settlement Agreement, referenced herein, was filed under seal with this Court’s permission as Exhibit B to Ms. Kiriakou’s Motion for Relief from Stay [Docket No. 30].

Donald F. King was appointed Chapter 7 Trustee (the “Chapter 7 Trustee”) and is duly acting in such capacity.

10. On April 15, 2020, the Debtor filed his initial Schedules, Statement of Financial Affairs and Chapter 7 Means Test (collectively, and as amended, the “Schedules”). *See* Docket No. 21. Among other deficiencies, the initial Schedules listed the Custody Claim as a non-priority, unsecured claim owed to Reese Law rather than to Ms. Kiriakou and the Means Test provided that three (3) persons lived in the Debtor’s household. *See* Schedule E/F, ¶ 4.7.

11. On April 22, 2020, undersigned counsel directed a letter to Debtor’s Counsel and the Chapter 7 Trustee regarding certain deficiencies in the Debtor’s Schedules and providing legal support for the non-dischargeable, priority nature of the Custody Claim, the Protective Order Claim and the Support Claim. A copy of the Custody Order was attached to such letter, reflecting the Debtor’s loss of custody of the Children as of January 29, 2020. *See* Letter (excluding exhibits), attached hereto as Exhibit A.

12. On April 23, 2020, the Chapter 7 Trustee conducted the §341(a) meeting of creditors, the date first set for such meeting. After the §341(a) meeting of creditors, the Debtor amended his Schedules, Statement of Financial Affairs and Chapter 7 Means Test several times. *See* Docket Nos. 26, 27, 37, 52, 54.

13. On June 11, 2020, the Debtor filed a Motion to Convert this case to a case under Chapter 13 pursuant to 11 U.S.C. §706(a). *See* Docket No. 36. Ms. Kiriakou objected to the Motion to Convert to Chapter 13. *See* Docket No. 48. In her Objection, Ms. Kiriakou laid out a litany of errors, omissions and misstatements in the Debtor’s schedules, and asserted various actions of the Debtor amounted to bad faith in filing the case and in seeking a conversion to Chapter 13. The statements and recitations made in the Objection are incorporated herein. The

Debtor filed a response to the Objection, blithely providing an “oops” defense to the various deficiencies and issues with his Schedules. *See* Docket No. 55.

14. Among the most egregious issues with his Schedules, in the first three filed iterations of the Debtor’s Means Test Calculation Form 122A-2, the Debtor claims allowed deductions for a three person household, despite having no custody and no direct out of pocket healthcare or other costs for his Children. He further claimed deductions for monthly court ordered expenses (presumably, the Support Claim) and for child care costs, such as babysitting, daycare, nursery or preschool. *See* Docket Nos. 21, 26 and 27. When the Debtor disclosed previously undisclosed income streams, he increased these deductions to feign continued Chapter 7 eligibility. *Id.*

15. After a hearing on the Motion to Convert, the Court sustained Ms. Kiriakou’s objection, finding that the Debtor forfeited his right to convert the case to Chapter 13 *for bad faith*. *See* Docket No. 59.

16. A presumption of abuse under §707(b) has arisen with respect to the Chapter 7 case. *See* Docket Nos. 28, 52, ¶40. The Debtor has not offered any special circumstances to rebut such a presumption. *See* Docket No. 52, ¶43.

17. On July 20, 2020, the Debtor filed a Motion seeking to voluntarily dismiss this case. *See* Docket No. 70.

### **RELIEF REQUESTED**

18. On account of the Debtor’s violation of Bankruptcy Rule 9011(b), Ms. Kiriakou seeks sanctions against the Debtor (and, as appropriate, his counsel) in the form of payment of her legal fees and expenses incurred in the bankruptcy case, including the filing of this Motion, and a one year bar against the Debtor’s re-filing under any chapter of the Bankruptcy Code.

**APPLICABLE LAW**

19. Bankruptcy Rule 9011 provides, in relevant part:

(b) By presenting to the court (whether by signing, filing, submitting or later advocating, a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, -

- (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (3) the allegations and other factual contentions have evidentiary support, or if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

20. In determining whether or not a petition has been filed for an improper purpose, the court is to apply an objective standard of reasonableness. *McGahren v. First Citizens Bank & Trust Co. (In re Weiss)*, 111 F. 3d 1159, 171 (4th Cir. 1997). "The Court may consider circumstantial facts that surround the filing and evidence of the signer's purpose." *Id.* See also *Branch Banking & Trust Co. v. Michael's Enters. of Va., Inc. (In re Michael's Enters. of Va., Inc.)*, 519 B.R. 96 (Bankr. E.D.Va. 2014). This Court further may look to considerations outlined in the Advisory Committee notes for Rule 11 of the Federal Rule of Civil Procedure, including whether the violation was willful, was part of pattern of behavior, and whether the abuse was employed in other litigation. See *In re Johnson*, 2008 Bankr. LEXIS 164, \*26-27 (Bankr. E.D. Va. January 18, 2008).

21. Rule 9011(c)(1)(A) provides that a motion for sanctions may only be submitted to the Court if, within 21 days of service, a "challenged paper, claim, defense, contention,

allegation or denial is not withdrawn or appropriately corrected, except that this limitation shall not apply if the conduct alleged is the filing of a petition in violation of subdivision (b).”

22. Rule 9011(c)(2) provides that both nonmonetary and monetary sanctions may be awarded including, where “warranted for effective deterrence, an order directing payment to the movant or some or all of the reasonable attorneys’ fees and other expenses incurred as a direct result” of the Debtor’s violation of Rule 9011(b).

### **ARGUMENT**

23. The Debtor’s Chapter 7 Petition was filed for a clear improper purpose, specifically an attempt to discharge debts under Chapter 7, including non-dischargeable debts owed to Ms. Kiriakou, despite not qualifying for Chapter 7 relief. Although the Debtor’s various filings in the case violated all subsections of Rule 9011(b), the filing of the Chapter 7 Petition clearly violated Rule 9011(b)(1). The “safe harbor” of Rule 9011(c)(1)(A) accordingly does not apply.

24. At the hearing on the Motion to Convert, this Court found that:

“It is clear, based on the schedules and all of the amendments thereto, that this debtor failed to disclose assets on his original schedules. And the lack of focused argument that counsel for the debtor has made is completely unconvincing. There is no doubt in my mind that Mr. Kiriakou knew what he was omitting from the schedules, and it appears that these matters only came to light because the creditor was involved. I understand this debtor is not eligible for Chapter 7. I also believe that the debtor knew this when he filed the case. The first means test simply was inaccurate in a very, very deliberate way.”

*See* Transcript of Hearing on Debtor’s Motion to Convert Case to Chapter 13, attached hereto as Exhibit B and incorporated herein.

25. The Debtor’s bankruptcy petition and various amended schedules were not well-grounded in fact (being provably, factually deficient in a multitude of ways) or in law (the Debtor seeking discharge of clearly non-dischargeable debt, in a Chapter 7 case for which he did

not qualify). Indeed, in filing Chapter 7, the Debtor presumably believed that his creditors would not review or challenge his Schedules, filed under penalty of perjury, or act fast enough to seek a determination of discharge of mischaracterized debts. There was no change in circumstances for the Debtor between the Petition Date and today<sup>2</sup>; the Debtor simply filed six amendments to the Schedules reacting to various deficiencies identified by Ms. Kiriakou in her pleadings and changing his strategy, no longer finding it preferable to be a Chapter 7 debtor for reasons detailed in Ms. Kiriakou's Objection to the Debtor's Motion to Convert. Ultimately, the Debtor accomplished nothing in bankruptcy, however he did cause *substantial* delay and expense to Ms. Kiriakou. Vindictive legal tactics, lying and abuse are part of the Debtor's clear pattern of behavior.<sup>3</sup>

26. To the extent that the Debtor misled his counsel for the purposes of filing this Chapter 7 case, Debtor's Counsel became aware that the Debtor had custody of no children no later than April 22, 2020 when undersigned counsel sent the letter attaching the Custody Order. The Debtor did not update his Means Test calculation to concede that he only had a one person household and that a presumption of abuse of Chapter 7 arose until July 8, 2020, nearly four months after the Petition Date. *See* Docket No. 52.

27. Ms. Kiriakou has suffered significant financial hardship as a result of the Debtor's actions, including non-payment of the Protective Order Claim and the Custody Claim, which were delayed on account of the Debtor's Chapter 7 Petition. Additionally, Ms. Kiriakou has had to engage undersigned counsel to protect her interests in this Chapter 7 case, including appearing

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<sup>2</sup> On June 12, 2020, several weeks after the Petition Date, the Debtor filed a complaint in the District Court for the Eastern District of Virginia against Ms. Kiriakou, Northrup Grumman and John Bamford (Case No. 1:20-cv-00662) (here and in various other pleadings, the "Federal Complaint"), and then subsequently disclosed the claims on his amended Schedules.

<sup>3</sup> Fittingly, the Debtor has apparently recently authored a book, to be released in May 2021, titled "The CIA Guide to Lying and Lie Detection: The Ultimate Guide to Lying and Getting the Truth: [https://www.amazon.com/s?k=john+kiriakou&crd=1N6LOIQG3O177&sprefix=john+kiriakou%2Caps%2C169&ref=nb\\_sb\\_ss\\_i\\_1\\_13](https://www.amazon.com/s?k=john+kiriakou&crd=1N6LOIQG3O177&sprefix=john+kiriakou%2Caps%2C169&ref=nb_sb_ss_i_1_13)



at the §341 meeting, filing a Complaint for a determination of non-dischargeability of clear domestic support obligations (challenged by the Debtor, despite weak legal authority) (Adv. Proc. No. 20-01037), a Motion for Relief from Stay [Docket No. 30], a Motion for Extension of Time to File a Motion to Dismiss [Docket No. 44]; and the Objection to the Debtor's Motion to Convert. Each of these pleadings required Ms. Kiriakou to incur fees for counsel to brief, with specificity, the Debtor's misstatements and omissions in his Schedules and/or seek relief from the Debtor's improper actions.

28. Monetary sanctions with respect to Ms. Kiriakou's legal fees are further appropriate in this case because the Marital Settlement Agreement provides for an award of legal fees in the event that the Marital Settlement Agreement or any child custody or support must be enforced. Ms. Kiriakou has participated in this bankruptcy case in order to enforce her right to payment for such matters.

29. Ms. Kiriakou has expended at least \$30,000.00 in legal fees and incurred at least \$700.00 in legal costs to date just in this bankruptcy case, notwithstanding legal fees payable by the Debtor under the Protective Order Claim and the Custody Claim. Further, Ms. Kiriakou is incurring fees to defend herself against the Debtor in his appeal of the Custody Order and the Federal Complaint, as well as in her efforts to establish child support from the Debtor on account of her full custody of his Children.

30. The Debtor has shown proclivity for frivolous, vendetta-driven litigation. The Debtor is inclined to use the legal system as both a sword and a shield. Accordingly, in addition to fees sought with respect to the filing of the improper Chapter 7 Petition, Ms. Kiriakou seeks a one-year ban on the Debtor's eligibility to file another petition under any chapter of the

Bankruptcy Code, such ban being warranted to prevent the Debtor's re-filing to again seek to pay minimally and discharge the same debts deemed non-dischargeable in this case.

WHEREFORE, Movant Heather Kiriakou respectfully requests that this Court enter an order:

- (a) determining that the Debtor has violated Federal Rule of Bankruptcy Procedure 9011(b)(1); and
- (b) awarding Ms. Kiriakou reimbursement of her reasonable legal fees and costs incurred in this case in an amount to be submitted by affidavit of undersigned counsel at the hearing, but in no event less than \$30,676.95, to be paid by the Debtor and/or his attorney, jointly and severally, as sanctions; and
- (c) directing that the Debtor may not be a debtor under any chapter of the Bankruptcy Code for a period of one year following dismissal of this case;
- (d) and granting other and further relief as is just and appropriate.

July 31, 2020

Respectfully Submitted,

/s/ Andrea Campbell Davison

Andrea Campbell Davison, VSB# 78036

BEAN, KINNEY & KORMAN, P.C.

2311 Wilson Blvd., 5<sup>th</sup> Floor

Arlington, Virginia 22201

(703) 525-4000

(703) 525-2207 (Fax)

[adavison@beankinney.com](mailto:adavison@beankinney.com)

*Counsel for Heather Kiriakou*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2020, a copy of the foregoing Motion for Rule 9011 Sanctions been served on all parties entitled to receive notice via US Mail on the parties listed below, as well as via the Court's CM/ECF service on all parties receiving notice in such manner.

John Kiriakou  
1904 N. Daniel Street  
Arlington, Virginia 22201  
*Debtor*

Ashvin Pandurangi  
AP Law Group, PLC  
211 Park Ave.  
Falls Church, VA 22046  
*Counsel for Debtor*

Donald F. King  
1775 Wiehle Avenue, Suite 400  
Reston, VA 20190  
*Chapter 7 Trustee*

Jack I. Frankel  
Office of the U.S. Trustee - Region 4  
1725 Duke Street, Suite 650  
Alexandria, VA 22314  
*U.S. Trustee*

/s/ Andrea Campbell Davison  
Andrea Campbell Davison



2311 WILSON BOULEVARD  
SUITE 500  
ARLINGTON, VA 22201  
PHONE 703.525.4000  
FAX 703.525.2207

Andrea Campbell Davison, Esq.  
[adavison@beankinney.com](mailto:adavison@beankinney.com)  
Admitted in VA, DC, MD and FL  
703-284-7277

April 22, 2020

VIA E-MAIL ([ap@aplawg.com](mailto:ap@aplawg.com))

AP Law Group, PLC  
211 Park Avenue  
Falls Church, Virginia 22046  
Attn.: Ashvin Pandurangi

Re: In re John Kiriakou, Case No 20-10934-KHK

Dear Ashvin:

This firm represents Ms. Heather Kiriakou in the above-referenced matter. Ms. Kiriakou is the former spouse to John Kiriakou (the “Debtor”) and the sole legal and physical custodial parent to the three minor children born of the marriage between Ms. Kiriakou and the Debtor.

The Custody Claim

The divorce of Ms. Kiriakou and the Debtor was finalized by order of the Arlington County Circuitry Court (the “Circuit Court”) entered November 2, 2018 (the “Divorce Order”). On February 12, 2020, the Circuit Court entered a Final Order (the “Custody Order”) on Ms. Kiriakou’s Motion to Modify Custody and Motion to Show Cause which, among other things, ordered the Debtor to pay the legal fees incurred by Ms. Kiriakou with respect to her Motions in the amount of \$130,425.35 (the “Custody Claim”). *See* Custody Order, attached hereto as Exhibit A.

In Schedule E/F, the Debtor lists Reese Law, Ms. Kiriakou’s attorneys, as a creditor with an unsecured claim of \$130,425.35. *See* Schedules E/F, ¶ 4.7. This is a clear mischaracterization of the Custody Claim. Indeed, Ms. Kiriakou is the proper creditor and the Custody Claim is a domestic support obligation, as that term is defined in 11 U.S.C. §101(14A) in that it is owed to the Debtor’s former spouse, is in the nature of maintenance or support, and is incident to the parties’ Divorce Order establishing custody of their children. Accordingly, the Custody Claim is entitled to priority under 11 U.S.C. section 507(a)(1) and is excepted from discharge under 11 U.S.C. sec 523(a)(5). *See e.g. In re Coe*, 2017 Bankr. LEXIS 3794 (Bankr. E.D.Va. Nov. 2, 2017) (holding that legal fees incurred in connection with custody determinations are uniformly held to be non-dischargeable support obligations). We request and trust that the Debtor’s schedules will be promptly amended to properly reflect the nature of the Custody Claim.

**EXHIBIT  
A**



In re: John Kiriakou  
April 22, 2020  
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### The Protective Order Claim

Following entry of the Divorce Order, the Debtor took certain civil and criminal actions in violation of such Divorce Order. Accordingly, Ms. Kiriakou sought and obtained a protective order against the Debtor from the Circuit Court. Following the Debtor's unsuccessful appeal of the protective order, Ms. Kiriakou moved the Court for an award of attorney's fees, which was granted by Order entered January 31, 2020 in the amount of \$6,525.00 (the "Fee Claim"). *See* Order granting attorney's fees, attached hereto as Exhibit B.

In Schedule E/F, the Debtor lists Ms. Kiriakou as an unsecured creditor on account of the Fee Claim. *See* Schedules E/F, ¶ 4.4. Like the Custody Claim, the Fee Claim is clearly a domestic support obligation in that it is owed to the Debtor's former spouse, is in the nature of maintenance or support, and is incident to the Debtor's violation of the Divorce Order. It is both entitled to priority under 11 U.S.C. section 507(a)(1) and is excepted from discharge under 11 U.S.C. sec 523(a)(5). We request and trust that the Debtor's schedules be promptly amended to properly reflect the nature of the Fee Claim.

### Ongoing Support Obligations

Pursuant to the Divorce Order and the underlying Separation Agreement, the Debtor is obligated to reimburse Ms. Kiriakou for 35% of the activity and unreimbursed medical expenses of the minor children (the "Support Claim"). As of the Petition Date, the Support Claim was approximately \$2,000, although Ms. Kiriakou received, through counsel, a post-petition payment for February expenses. March expenses remain outstanding. The Debtor has indicated in his Schedules and Statement of Financial Affairs that he has no pre-petition or ongoing domestic support obligations. We request that the Debtor's Schedules and Statement of Financial Affairs be promptly amended to properly reflect Ms. Kiriakou's pre-petition Support Claim and the Debtor's ongoing support obligations under the Divorce Order.

### Custody Appeal

Prior to the Petition Date, the Debtor filed an appeal of the Custody Order with the Court of Appeals of Virginia. The Debtor has failed to list this pending appeal in his Statement of Financial Affairs. *See Statement of Financial Affairs*, Part 4, ¶9. On April 20, 2020, Ms. Kiriakou received from the Court of Appeals an Acknowledgment of Receipt of the Record, an Appellate Mediation Notice and a notice of certain deadlines related to the appeal. Ms. Kiriakou requests clarification from the Debtor that, should the Debtor intend to prosecute such appeal, that he does not intend to assert the automatic stay in order to prevent Ms. Kiriakou from defending the same.

This letter is submitted without waiver of any rights, remedies, defenses or privileges that Ms. Kiriakou may have as to the Support Claim or otherwise as regards the Debtor and his bankruptcy case. Please do not hesitate to contact me with any questions.



In re: John Kiriakou  
April 22, 2020  
Page 3

Sincerely yours,

BEAN, KINNEY & KORMAN, P.C.

Andrea C. Davison

Enclosures (as stated)

cc: Donald F. King, Chapter 7 Trustee  
1775 Wiehle Avenue, Suite 400  
Reston, Virginia 20190  
DonKing@ofplaw.com

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA (ALEXANDRIA)

In Re: ) Case No. 20-10934-khk  
JOHN KIRIAKOU, ) Alexandria, Virginia  
Debtor. )  
----- ) July 14, 2020  
10:07 a.m.

TRANSCRIPT OF HEARING ON  
#36 DEBTOR'S MOTION TO CONVERT CASE TO CHAPTER 13  
#44 MOTION TO EXTEND TIME TO FILE MOTION TO DISMISS ON BEHALF  
OF HEATHER KIRIAKOU

BEFORE THE HONORABLE KLINETTE H. KINDRED  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES:

For the Debtor: ASHVIN PANDURANGI, ESQ.  
AP LAW GROUP, PLC  
211 Park Avenue  
Falls Church, VA 22046  
For Heather Kiriakou: ANDREA CAMPBELL DAVISON, ESQ.  
BEAN, KINNEY & KORMAN PC  
2311 Wilson Boulevard  
Suite 500  
Arlington, VA 22201

Transcription Services: eScribers, LLC  
7227 North 16th Street  
Suite #207  
Phoenix, AZ 85020  
(973) 406-2250

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.

TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

**EXHIBIT  
B**

1 THE CLERK: Items 17 and 18 on the docket is John  
2 Kiriakou, case number 20-10934.

3 MS. DAVISON: Good morning, Your Honor. Andrea  
4 Davison on behalf of Heather Kiriakou.

5 THE COURT: All right.

6 MR. PANDURANGI: Good morning, Your Honor. Ashvin  
7 Pandurangi on behalf of the debtor, John Kiriakou.

8 THE COURT: All right.

9 MR. PANDURANGI: So this is the debtor's motion to  
10 convert to Chapter 13. The debtor filed a Chapter 7 voluntary  
11 petition on March 22nd, 2020. The case has not been previously  
12 converted. Ms. Heather Kiriakou, who I will refer to as the  
13 creditor going forward, filed an objection to the motion. Now,  
14 I'm not sure if the Court wants Ms. Davison to proceed or for  
15 me to proceed here.

16 THE COURT: I'll hear your motion to convert first.

17 MR. PANDURANGI: Okay. So the objection to the  
18 motion, I think, turns on two major issues, the first one being  
19 the debtor's refusal or dispute of the classification of the  
20 creditor's custody and protective order she claims as domestic  
21 support obligations. That is an issue common to all of the  
22 related pleadings in the Court currently, including the  
23 adversary proceeding to determine nondischargeability of the  
24 claims, the motion for relief from stay filed by the creditor,  
25 as well as this objection to the motion to convert.



1           So the creditor asserts, essentially, that it is  
2 clearly a case that these claims are domestic support  
3 obligations and no other conclusion really could be reached by  
4 the Court. So I would point out that they rely on the case of  
5 In re Coe, which was decided by this court, Judge Kenney, in  
6 2017. And in that case, Judge Kenney states: "Legal fees  
7 incurred in connection with custody determinations are  
8 uniformly held to be nondischargeable support obligations."

9           Now, he immediately cites the case of Falk & Siemer,  
10 LLP v. Maddigan as support for that finding, which was a Second  
11 Circuit Court of Appeals case decided in 2002. And the Court  
12 in that case held that the question of whether a debt meets the  
13 statutory requirement of being in the nature of support is a  
14 factual determination of the bankruptcy court.

15           It also pointed out that the bankruptcy court and the  
16 appellate court carefully analyzed the family court's decision  
17 in making its factual determination that the order of legal  
18 fees was in the nature of support. It specifically noted that  
19 family court listed factors of support such as the spouse's --  
20 recipient spouse's income, limited assets and resources,  
21 financial obligations, and inability to pay legal fees.

22           So the bankruptcy court in that case concluded that  
23 the family court's reliance on considerations of affordability  
24 for the child's primary care provider supported a finding that  
25 "Maddigan's obligation to Falk & Siemer is in the nature of

1 support for the debtor's child."

2 So I think, clearly, that the Court looked to the  
3 financial condition of the recipient spouse, and the analysis  
4 of that situation by the family court in determining whether  
5 the award was actually substantively in the nature of  
6 maintenance or support.

7 And I don't believe the Court has had a chance to  
8 actually review in detail the family court findings, except as  
9 presented in final order of the Court, and final order does not  
10 reference any findings with regards to the financial situation  
11 of the creditor here.

12 I would also say to you, the objection turns on the  
13 issue -- or the main other objection raised in support of the  
14 bad-faith argument is that the debtor here failed to list pre-  
15 petition claims against the creditor in his schedules.

16 Now, I would point out to the Court here that Mr.  
17 Kiriakou only retained his counsel for these civil claims and  
18 federal complaints in early May 2020, which was about a month-  
19 and-a-half after he filed the Chapter 7. And so I don't think  
20 there's any warranted or any obvious reason for the creditor to  
21 claim that he was sitting on these claims and was trying to  
22 hide them from the creditor and then file them during the  
23 Chapter 7 and then convert to a 13 to pursue those claims.

24 I think it's simply a case of the debtor not realizing  
25 the facts which give rise to claims prior to the filing of a

1 Chapter 7, those claims would be considered assets of the  
2 estate even if he's not pursuing them at the time. As soon as  
3 he realized that they would be considered assets of the estate,  
4 he amended his schedules on June 12th of 2020 to reflect those  
5 claims in detail.

6 And the other issue here that was raised in the  
7 objection is whether the debtor converting to 13 in order to  
8 take advantage of the narrower definition of a domestic support  
9 obligation would itself constituted some sort of bad faith.  
10 And here, I believe, that's clearly not what the law states. I  
11 believe that cases have uniformly held that the Code allow --  
12 the debtor simply doing what the Code allows him to do does not  
13 constitute bad faith even if it provides some sort of advantage  
14 in the debtor dealing with its debts and its claims.

15 That's all I wanted to mention for now. Thanks.

16 THE COURT: All right. Ms. Davison?

17 MS. DAVISON: Yes, hi. Good morning, Your Honor.

18 THE COURT: Good morning.

19 MS. DAVISON: I guess, Your Honor, by way of  
20 background -- and Mr. Pandurangi did touch on some of this, but  
21 I just want to give you a little more background on this  
22 dispute.

23 THE COURT: Right.

24 MS. DAVISON: Heather is the debtor's former spouse.  
25 They were divorced less than two years ago. The circuit court

1 order granting their divorce was entered in November of 2018.  
2 Shortly after the divorce, the debtor took certain criminal  
3 actions against my client which prompted her to seek and be  
4 granted a two-year family abuse protective order by the  
5 Arlington County Juvenile Domestic Relations Court. The debtor  
6 appealed that protective order, and the Arlington County  
7 Circuit Court upheld it. And Judge Newman, in that case,  
8 awarded my client attorneys' fees in connection with what he  
9 deemed to be the debtor's frivolous appeal of the protective  
10 order.

11 My client then also sought full custody of the  
12 debtor's three minor children because of the debtor's menacing  
13 behavior. And in January of 2020, the Arlington County Circuit  
14 Court entered a custody order which awarded my client full  
15 custody of the three children and also about 130,000 dollars in  
16 attorneys' fees in connection with the cost of the litigation.

17 So on account of these two awards, my client is, by  
18 far, the debtor's largest creditor. In my opinion, these two  
19 awards are pursuant to overwhelming case law in this circuit  
20 and nationally, clear domestic support obligations.

21 But I do want to make clear that the debtor pays no  
22 traditional child support or alimony. His only current  
23 monetary obligation, outside of those awards, are to reimburse  
24 my client for thirty-five percent of monetary medical and  
25 activity costs, and that's pursuant to their marital settlement

1 agreement.

2 So the debtor is seeking to convert his Chapter 7 case  
3 to Chapter 13. His motion just says he has a right to do so  
4 under 706 of the Bankruptcy Code because the case has not been  
5 converted.

6 Your Honor, in 2007, the United States Supreme Court  
7 weighed in on a pretty similar issue in Marrama v. Citizens  
8 Bank of Massachusetts. In Marrama, the debtor failed to  
9 disclose the value of his principal asset, which was a home,  
10 and then moved to convert his case from Chapter 7 to Chapter 13  
11 to avoid the Chapter 7 trustee seeking to liquidate that asset.

12 The debtor said it was just a scrivener's error, but  
13 the bankruptcy court said there's no "oops" defense to the  
14 concealment of assets, and he denied the debtor's motion to  
15 convert. The bankruptcy court's decision was upheld by the  
16 First Circuit and the U.S. Supreme Court.

17 And the Supreme Court did a pretty thorough analysis  
18 of 706 and found that the purpose of generally allowing a  
19 Chapter 7 debtor to convert to Chapter 13 is the debtor should  
20 be given an opportunity to repay creditors, should they find a  
21 way to do so. And then the Supreme Court held, quite broadly,  
22 despite Mr. Kiriakou's assertion in his response, that the  
23 Bankruptcy Code is for honest but unfortunate debtors, and that  
24 a debtor who acts in bad faith may forfeit certain rights under  
25 the Bankruptcy Code, including, specifically, the right to

1 convert to Chapter 13.

2 Your Honor, here the debtor is neither honest nor  
3 unfortunate. Instead, we have a debtor who filed bankruptcy  
4 schedules that were rife with errors, omissions, misstatements,  
5 and outright lies. He's amended them approximately five times,  
6 I think it may be six by now, most recently last week, nearly  
7 four months after the petition date was filed, although there's  
8 no changed circumstances other than the federal complaint that  
9 he filed which Mr. Pandurangi mentioned. And yet the schedules  
10 are still deficient.

11 Your Honor, he initially failed to list over 30,000  
12 dollars in annual income he earns through a single-member LLC.  
13 He still says he only makes 110,000 dollars a year, despite the  
14 fact that his 2018 marital settlement agreement provides that  
15 he makes about 140,000 dollars a year.

16 He claims no income related to book sales, even though  
17 he just published a book in -- I think it was November of 2019.  
18 He claims no income related to giving speeches, writing  
19 articles, consulting, or selling art, all of which he  
20 advertises on his personal website. And he also solicits  
21 donations from the public online because -- basically to  
22 support what he calls his whistleblowing efforts.

23 Your Honor, in his schedules he initially failed to  
24 list his Vespa, multiple valuable pieces of art, his 500,000-  
25 dollar life insurance policy. He didn't list his residential

1 list until his last iteration of his schedules. And I note he  
2 still hasn't added his landlord as a noticed party to the case.

3 He failed to list his ongoing domestic support  
4 obligation to reimburse Ms. Kiriakou for medical expenses for  
5 their children. He failed to list various legal actions  
6 instituted by and against him. He appealed the custody order  
7 and paid 21,000 dollars to counsel just prior to the petition  
8 date. In Arlington County, he had criminal charges pending  
9 against him when he filed his petition for "revenge porn" which  
10 he recently entered a guilty plea to.

11 Despite having litigated the protective order matter,  
12 the custody matter, the criminal matter, he doesn't disclose  
13 any pre-petition legal fees paid in the few months prior to his  
14 petition date nor are any of his counsel's creditors in the  
15 case.

16 Your Honor, I think, notably, on June 12th, 2020, he  
17 filed amended schedules listing claims against my client, her  
18 employer, Northrop Grumman, and an Arlington County police  
19 detective, and he lists just an EDVA district court case  
20 number. And in fact, he had filed a federal court action for  
21 pre-petition claims of malicious prosecution, defamation,  
22 violation of constitutional rights, and intentional infliction  
23 of emotional distress.

24 Your Honor, I mean, Mr. Pandurangi claims that he  
25 didn't know that he had to disclose these amounts, but by that

1 weekend, his counsel had given interviews in the press about  
2 the case. And I know in the response, Mr. Pandurangi makes  
3 points that, well, my client wouldn't have even known about  
4 this case if we hadn't disclosed it, as if he deserves an award  
5 for disclosing it after he filed it.

6 So Your Honor, I mean, setting aside that these causes  
7 of action clearly belong to the Chapter 7 Trustee and the  
8 debtor lacks standing to bring them, his failure to disclose  
9 these causes of action until the case was filed is just  
10 breathtakingly reckless.

11 Your Honor, in his response, Mr. Kiriakou used the  
12 "oops" defense that was rejected in Marrama. His counsel says,  
13 well, the debtor didn't know he had to disclose these claims.  
14 And I'd like to point out, the Supreme Court in Marrama notes  
15 that hundreds of thousands of individuals file Chapter 7  
16 petitions each year and each of them are required to read the  
17 bankruptcy dockets that they submit, under penalty of perjury,  
18 and make a good-faith effort to complete them.

19 And Your Honor, compared to the average debtor, this  
20 is a quite sophisticated debtor. In the federal complaint he  
21 recites that he was a senior counterterrorism officer in the  
22 CIA. He was a senior investigator on the Senate Foreign  
23 Relations Committee. He's authored four bestselling books for  
24 which he's won various awards. But when he reads bankruptcy  
25 schedules that ask, do you have any claims against anyone, just



1 a few weeks before he files a thirty-one-page complaint in  
2 federal court, he says, no. And now his defense is, oops, I  
3 didn't understand the question I was being asked, even though  
4 hundreds of thousands of debtors understand just fine.

5 Your Honor, to the extent he offers an "oops" defense  
6 to any other number of his omissions or mistakes, it's really  
7 worth reflecting for a moment that this debtor filed a  
8 voluntary Chapter 7 petition. He availed himself of this  
9 court. The burden was on him to make complete and accurate  
10 disclosures.

11 His brief, in response to my client's objection, would  
12 seem to suggest that he believes that the burden is on his  
13 creditors to ensure he's truthful in his bankruptcy papers. He  
14 basically says, yes, I left some things off, but as soon as  
15 they were specifically pointed out to me, I updated them.

16 And Your Honor, that is just not the standard. It  
17 cannot be incumbent on his largest creditor to hire counsel and  
18 to spend legal fees briefing the deficiencies in his schedules.  
19 And I point out too that the updates to his schedules and  
20 statements are purely reactionary. I've raised certain  
21 discrepancies that he can't deny, so he's updated his  
22 schedules, but he doesn't seem to have actually made a  
23 good-faith effort to complete them.

24 Illustratively, throughout the federal complaint, the  
25 debtor notes that he's a current shareholder of Northrop

1 Grumman. He says it many times. He holds his status as a  
2 shareholder of Northrop in such esteem that he deemed it  
3 necessary to send photos of his ex-wife in her underwear to  
4 each of the employers, officers, and directors. He calls  
5 himself a whistleblower with respect to being a shareholder of  
6 Northrop Grumman. And this is the crime for which he was  
7 allegedly maliciously prosecuted. But if you look at Schedule  
8 A, the bankruptcy schedules ask if he holds any stock in a  
9 publicly-traded company, and the debtor still says no.

10 Your Honor, strangely, and perhaps I think most  
11 egregiously, the debtor does not even try to address in his  
12 response the fact that he essentially fudged his means test  
13 calculation in order to feign Chapter 7 eligibility. He has no  
14 children in his custody. He pays no regular child support.  
15 But in the first three iterations of the means test he filed,  
16 he took deductions for a three-person household, plus  
17 deductions for childcare, plus deductions for court-ordered  
18 payments for the medical expenses.

19 He could have originally filed a Chapter 13 petition.  
20 But instead he claimed, in three separate filings, that he did  
21 not qualify for Chapter 13. He maintained he didn't qualify  
22 for several months until just last week, that is, until he  
23 decided he wanted to be in Chapter 13. And now he remembers  
24 that he lives alone and submits that he does qualify to be a  
25 Chapter 13 debtor, in fact.

1           Your Honor, one cannot just make that change and still  
2 assert that he filed his bankruptcy petition in good faith. So  
3 I appreciate the Court's indulgence. It's taking me awhile to  
4 get here, but in my brief, I offer three reasons that the  
5 debtor now finds it preferable to be in Chapter 13: first,  
6 because he now realizes that he lacks standing to bring the  
7 federal complaint. He's hoping that if the case converts he'll  
8 be in possession of his assets again.

9           Second, having been challenged by my client with  
10 respect to the domestic support obligations, he's hoping to be  
11 able to pay her pennies on the dollar and take advantage of the  
12 super discharge provisions of Chapter 13 instead of having  
13 those court orders clearly fall under the nondischargeability  
14 provisions in Chapter 7.

15           And third, Your Honor, the debtor basically concedes  
16 in his later filings that he's just not eligible for a Chapter  
17 7. A presumption of abuse has arisen. He's offered no special  
18 circumstances why his receiving a Chapter 7 relief would not be  
19 abuse of the process. Your Honor, the debtor is simply not  
20 acting in good faith here.

21           So to conclude, Your Honor, in 2013, the debtor was  
22 convicted and jailed for leaking classified information. Last  
23 year his ex-wife was awarded a family abuse protective order  
24 against him. Earlier this year he lost custody of his  
25 children. None of these acts, on their own, certainly deprive

1 the debtor of his right to be a debtor under the Bankruptcy  
2 Code, but they do inform us because bankruptcy is part of a  
3 pattern of abuse. The debtor is an abuser, and so it's  
4 consistent that he'd abuse the bankruptcy process and attempt  
5 to use it as both a sword and a shield against his ex-wife  
6 who's really the only significant creditor.

7 Your Honor, in Marrama, the United States Supreme  
8 Court found that the debtor's failure to disclose the value of  
9 his principal asset was sufficient to deny his motion to  
10 convert. Courts, applying that case, including in this circuit  
11 and in this district and in this court, have found a wide range  
12 of bad acts sufficient to deny a motion to convert.

13 And so here I would offer that the debtor's actions go  
14 so far beyond the failure to disclose or undervalue one asset.  
15 And I'd ask the Court to find that there's bad faith here and  
16 that, consistent with Supreme Court precedent, his motion to  
17 convert should be denied.

18 MR. PANDURANGI: Yes, Your Honor, may I respond?

19 THE COURT: Yes, please respond, Mr. Pandurangi.

20 MR. PANDURANGI: Yes. So going first to the case of  
21 Marrama v. Citizens Bank, clearly the Court there held that  
22 there's no absolute right to convert to 13, and it is within  
23 the Court's authority to deny a conversion if there is a  
24 finding of bad faith.

25 Now, in the case, the Supreme Court stated that

1 neither 706 nor 1307(c) limits a court's authority to take  
2 appropriate action in response to fraudulent conduct by the  
3 plaintiff colitigant who has demonstrated that he is not  
4 entitled to seek the relief that is available to the typical  
5 debtor.

6 And as counsel pointed out, in that case the debtor  
7 had transferred his property into a trust for no consideration  
8 several months prior to the filing of the Chapter 7 petition.  
9 And he had represented a value at zero for the trust. And  
10 later he actually admitted that the purpose of the transfer was  
11 to protect the property from his creditors. And he only filed  
12 a notice of conversion to Chapter 13 after the trustee had  
13 indicated his intent to go after the property.

14 So just on those facts, it's very much dissimilar to  
15 what has happened here. The debtor here -- well, the debtor  
16 here did not misrepresent the value of any property. He just  
17 did not realize that these claims were property of the estate.

18 And of course, according to the creditor, the claims  
19 are not even meritorious, they're not even based in facts that  
20 would establish her liability, so it's hard to see how they can  
21 assert that and also assert that it is the largest asset of the  
22 estate that he was concealing.

23 I would also just point out that the creditor -- or  
24 counsel brings up the various property that was not initially  
25 disclosed and has just recently been disclosed on the amended

1 schedules of the debtor. Most of this property, including the  
2 paintings, and I believe a coin collection, were all mentioned  
3 in the marital settlement agreement that was entered into in  
4 2018.

5 So as the creditor rightly points out, the debtor has  
6 gone through a lot in the last year or two, including criminal  
7 prosecutions, instigated by the creditor, and the creditor's  
8 claim, the protective order litigation, the custody litigation  
9 in which he lost custody of his three children in January of  
10 this year. And then he's, lastly, filed at the end of March,  
11 which was right when the COVID-19 pandemic was also hitting in  
12 full force. So there was a lot of uncertainty around his job  
13 as well.

14 So I think, under normal circumstances, the lack of  
15 disclosures and the leaving off of certain property, such as  
16 the Vespa scooter and the painting, could be considered some  
17 sort of bad faith, but I think there's a very reasonable  
18 argument here that it was simply his lack of focus and  
19 attention on the case and what needed to be included.

20 And now the creditor is asserting that the conversion  
21 to 13 is a way of him getting out of paying his creditors when  
22 in fact none of the claims, you know, the civil claims that  
23 have been filed against the creditor, Northrop Grumman, and  
24 John Bamford, none of those are exempt.

25 So any awards or any settlement, it seems, would be

1 paid into the plan and perhaps would be enough to pay off one  
2 hundred percent of all of the claims of all creditors in the  
3 case. So he certainly has no intention of avoiding payment to  
4 creditors in a conversion to 13.

5 I would also point out, in Chapter 13 there is a  
6 requirement that a plan is proposed in good faith before it is  
7 confirmed, so certainly the Chapter 13 Trustee, Mr. Gorman, and  
8 the creditor would also have opportunities to review the plan  
9 and object to it if they still feel that it is not paying what  
10 it should be paying under the Code.

11 And if the case is converted to 13, the creditor will  
12 still be able to continue with the adversary proceeding, the  
13 motion for relief from stay -- or well, possibly not the motion  
14 for relief from stay, but also the 2004 examination, which  
15 would allow the creditor to actually require the debtor to  
16 produce any documents that may support their assertion that  
17 he's still failing to disclose income such as income from book  
18 sales, art sales, donations to his website. Meanwhile, there's  
19 no basis for saying that any of that income exists, but  
20 certainly it could be discovered through a 2004 examination.  
21 So the creditor really would not be giving up anything if this  
22 case was converted to Chapter 13.

23 So yeah, I would just request that the Court allow the  
24 debtor to convert his case and then the Court and the creditor  
25 and the trustee will have plenty of opportunity to continue to

1 make sure that he is proceeding in good faith. Thank you.

2 THE COURT: Ms. Davison, do you have any additional  
3 arguments to support your motion to extend time to file a  
4 motion to dismiss? I mean, the two motions are clearly  
5 related, but if you have any other comments to make I'll hear  
6 them now before I form a ruling.

7 MS. DAVISON: Sure, Your Honor. I mean, my motion to  
8 extend time, obviously if you grant the debtor's request to  
9 convert to 13, would really be moot.

10 THE COURT: Okay.

11 MS. DAVISON: But to the extent that you do sustain my  
12 objection, Your Honor, I would just say that Bankruptcy Rule  
13 1017(e) provides that a motion to dismiss for abuse under  
14 707(b) or (c) may only be filed within sixty days after the  
15 petition date. Here the presumption of abuse only arose after  
16 the debtor amended his schedules, and in fact, just as of last  
17 week, the debtor now concedes there's a presumption of abuse  
18 and offers no special circumstances as to why he should get  
19 Chapter 7 relief.

20 So the sixty-day time limit, which I think is imposed  
21 basically because a Chapter 7 debtor would typically receive a  
22 discharge after about sixty days, it's just not reasonable in  
23 this case. My client has certainly not failed to act  
24 diligently. Instead, the debtor just continues to reveal how  
25 abusive his filings are.



1 I mean, Your Honor, candidly, I feel pretty strongly  
2 that it shouldn't be my client's burden to continue to police  
3 this bankruptcy, and I would, I guess, offer that as an  
4 additional argument in support of my objection to the motion to  
5 convert.

6 But so far the U.S. Trustee and the Chapter 7 Trustee  
7 have not taken any position. I've kept them informed. But  
8 unless the U.S. Trustee's office is going to move for the case  
9 to be dismissed for abuse, I would request that my client be  
10 given an opportunity to do so, and so I'd submit that there is  
11 good cause for such extension.

12 THE COURT: All right. Mr. Pandurangi, I'll hear your  
13 response to Ms. Davison's comments.

14 MR. PANDURANGI: Yes, Your Honor, in the event that  
15 the Court decides to sustain the objection to the motion to  
16 convert, I think that it is clear that the debtor is over the  
17 presumption of abuse in Chapter 7 and that is a significant  
18 factor in him converting to the 13. So I think, one way or  
19 another, that the Chapter 7 would be dismissed, so we don't  
20 necessarily object to extending the deadline for the creditor  
21 to file a motion to dismiss the case.

22 THE COURT: All right. I'm prepared to make a ruling  
23 on the motion to convert. It is clear, based on the schedules  
24 and all of the amendments thereto, that this debtor failed to  
25 disclose assets on his original schedules. And the lack of

1 focused argument that counsel for the debtor has made is  
2 completely unconvincing. There is no doubt in my mind that Mr.  
3 Kiriakou knew what he was omitting from the schedules, and it  
4 appears that these matters only came to light because the  
5 creditor was involved.

6 I understand that this debtor is not eligible for  
7 Chapter 7. I also believe that the debtor knew this when he  
8 filed the case. The first means test simply was inaccurate in  
9 a very, very deliberate way.

10 The super discharge in a Chapter 13 is under the Code,  
11 but in this case, I think it would be -- especially because I  
12 find that there is bad faith on the part of the debtor, it  
13 would be an injustice to allow this debtor to take advantage of  
14 a super discharge.

15 For the reasons that I've stated, I'm going to deny  
16 the motion to convert, based on the Marrama standard, and I'm  
17 going to grant the creditor's motion to extend the time to file  
18 a motion to dismiss in this case.

19 Ms. Davison, how much time do you think you're going  
20 to need?

21 MS. DAVISON: Your Honor, I believe in my motion I  
22 asked for ninety days. I probably don't need that much  
23 anymore, but the creditor is dealing with a lot because she's  
24 defending against this other case. So it's --

25 THE COURT: All right.

1 MS. DAVISON: Sixty days is probably enough, yes.

2 THE COURT: All right. Then I'm going to give you  
3 until September 25th to file --

4 MS. DAVISON: September 25, okay, thank you.

5 THE COURT: -- to file your motion to dismiss, and I  
6 want you to prepare both orders, the order denying the debtor's  
7 motion to convert and the order granting your motion to extend.

8 MS. DAVISON: Okay, great. So September 25th, just to  
9 clarify, would be my deadline to file a motion?

10 THE COURT: Yes, that's correct.

11 MS. DAVISON: Thank you.

12 THE COURT: All right.

13 (Whereupon these proceedings were concluded at 10:42 AM)

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I N D E X

RULINGS:	PAGE	LINE
Motion to convert case from Chapter 7 to Chapter 13 is denied.	20	15
Motion to extend time to file motion to dismiss is granted.	20	17

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C E R T I F I C A T I O N

I, Sharona Shapiro, the court-approved transcriber, do hereby certify the foregoing is a true and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

*Sharona Shapiro*

July 17, 2020

\_\_\_\_\_  
SHARONA SHAPIRO

\_\_\_\_\_  
DATE

AAERT Certified Electronic Transcriber CET-492